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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,067	03/04/2002	Anders Vinberg	063170.6875	8007

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EXAMINER	
LEE, PHILIP C	
ART UNIT	**PAPER NUMBER**
2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/26/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/26/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/091,067	VINBERG, ANDERS	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,13,15 and 17-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13,15 and 17-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/16/06,12/6/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on November 16, 2006.

2. Claims 1, 3-11, 13, 15 and 17-24 are presented for examination and claims 2, 12, 14, and 16 are canceled.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

4. Claims 1, 4, 9, 13, 15, 17, 20-21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al, U.S. Patent 5,367,670 (hereinafter Ward) and Lewis et al, U.S. Patent 6,603,396 (hereinafter Lewis) in view of Cote et al, U.S. Patent 6,021,262 (hereinafter Cote).

5. Ward and Cote were cited in the last office action.

6. As per claims 1, 13 and 15, Ward teaches the invention as claimed for generating an audio alert, comprising:

detecting an alert condition identifying a problem with a system component (col. 5, lines 15-20);

constructing an audio notification message based on at least one parameter associated with the alert condition (col. 5, lines 21-32; col. 12, lines 34-64); and

outputting the audio notification message via the notification path (col. 7, lines 25-57).

7. Ward did not teach filtering alert condition. Lewis teaches filtering alert condition to determine a notification path associated with the alert condition, the notification path determined based on a type or a location of the system component associated with the alert condition (col. 6, lines 40-49; col. 6, line 63-col. 7, line 34).

8. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward and Lewis because Lewis's teaching would allow Ward's system to filter irrelevant alarms in order to maximize performance and reliability of the system (col. 7, lines 59-65).

9. Ward and Lewis do not teach a multi-tiered notification path. Cote teaches a similar invention comprising: a multi-tiered notification path, each tier of the notification path identifying one or more users assigned a level of responsibility with respect to the alert condition (col. 7, lines 19-28), the multi-tiered notification path determined based on a property of an object associated with the alert condition (col. 5, lines 33-46).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Cote because Cote's teaching of multi-tiered notification path would increase the user's flexibility of Ward's and Lewis's systems by allowing the user to control how and when others are to be so notified (col. 2, lines 25-36).

11. As per claim 4, Ward, Lewis and Cote teach the invention substantially as claimed in claim 1 above. Ward further teach wherein detecting an alert condition includes detecting an alert condition within a plurality of subsystems of a network management application (col. 7, lines 19-24).

12. As per claim 9, Ward, Lewis and Cote teach the invention substantially as claimed in claim 1 above. Ward further teach wherein the determining the notification path includes analyzing a parameter associated with the alert condition and selecting the notification path based on the parameter (col. 5, lines 33-45; col. 7, lines 19-27).

13. As per claim 17, Ward, Lewis and Cote teach the invention substantially as claimed in claim 1 above. Cote further teach comprising identifying the occurrence of a prior alert condition that was not responded to, and wherein the multi-tier notification path is determined based at least in part on the occurrence of the prior alert condition (col. 7, lines 19-27).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Cote for the same reason set forth in claim 1 above.

15. As per claim 20, Ward, Lewis and Cote teach the invention substantially as claimed in claim 1 above. Although Cote teaches constructing an additional notification (it is inherent that

an additional notification must be constructed in order to notify another member at a later time) if the notification message is not addressed within a designated time limit, however Ward, Lewis, and Cote did not teach constructing if the notification message is not responded to within a designated time limit. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include constructing an additional notification if the notification message is responded within a designated time limit because by doing so it would increase the user's alertness in Ward's, Lewis's and Cote's systems by providing non-responded notification to others to avoid alert to escalate to a sever condition.

16. As per claim 21, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Cote further teach comprising constructing an additional audio notification message if the alert condition is not addressed within a designated time limit (col. 7, lines 17-27).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis and Cote for the same reason set forth in claim 1 above.

18. As per claim 22, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Cote further teach comprising filtering the notification message such that at least one user on the multi-tiered notification path does not receive the notification message (col. 7, lines 19-27) (i.e. the manager (notification path) does not receive the notification message).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, and Cote for the same reason set forth in claim 1 above.

20. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Cote in view of Fischer, U.S. Patent 4,881,197 (hereinafter Fischer).

21. Fischer was cited in the last office action.

22. As per claim 5, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis and Cote do not teach defining audio characteristics. Fischer teaches defining audio characteristics associated with the audio notification message (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Fischer because Fischer's teaching of defining audio characteristics would increase the user's flexibility of Ward's, Lewis's and Cote's systems by allowing a user with a flexible and efficient mechanism for simultaneously utilizing the highlighting features distinctive to each particular device on which the document or message is displayed or produced (col. 4, lines 3-7).

24. As per claim 6, Ward, Lewis, Cote and Fischer teach the invention substantially as claimed in claim 5 above. Fischer further teach wherein the audio characteristic is a volume (col. 3, lines 38-42; col. 4, lines 3-21; col. 8, lines 31-45).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Fischer for the same reason set forth in claim 5 above.

26. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Cote in view of Sabourin et al, U.S. Patent 6,037,099 (hereinafter Sabourin).

27. Sabourin was cited in the last office action.

28. As per claim 3, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach identifying a portion of the message that is likely to be difficult to understand. Sabourin teaches wherein constructing an audio notification message includes identifying a portion of the message that is likely to be difficult for a user to understand and replacing the identified portion with a more easily understood synonym (col. 10, line 60-col. 11, lines 8).

29. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Sabourin because

Sabourin's teaching of identifying a portion of the message that is likely to be difficult to understand would increase the alertness in Ward's, Lewis's and Cote's systems by allowing the system to find and replace words that tend to cause high confusability (col. 10, line 60-col. 11, line 8).

30. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis and Cote in view of Miller et al, U.S. Patent 6,421,707 (hereinafter Miller).

31. Miller was cited in the last office action.

32. As per claim 8, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach the audio message presented in accordance with a filter. Miller teaches wherein the audio messages presented in accordance with a filter (col. 6, lines 30-40).

33. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Miller because Miller's teaching of audio messages presented in accordance with a filter would increase the user's flexibility in Ward's, Lewis's and Cote's systems by allowing a user to determine how individual or groups of messages are handled, depending upon characteristics of the messages themselves (col. 6, lines 31-33).

34. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Cote in view of Carleton, U.S. Patent Application Publication 2001/0044840 (hereinafter Carleton).

35. Carleton was cited in the last office action.

36. As per claim 10, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach an escalation list. Carleton teaches wherein determining the notification path includes analyzing an escalation list (page 1, paragraph 9; page 3, paragraph 53).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Carleton because Carleton's teaching of escalation list would increase the alertness of Ward's, Lewis's and Cote's systems by providing a mechanism by which a problem can receive increasing levels of attention to expedite and assure proper remediation (page 1, paragraph 9).

38. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Cote in view of Goldberg et al, U.S. Patent 6,161,082 (hereinafter Goldberg).

39. Goldberg was cited in the last office action.

40. As per claim 11, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach audio message based on language preference. Goldberg teaches wherein constructing the audio notification message includes:

determining a user associated with the audio notification message (col. 3, lines 34-56; col. 5, lines 22-24);

determining a language preference associated with the user (col. 3, lines 34-56; col. 5, lines 1-13, 25-34; col. 6, lines 27-28); and

constructing the audio message based on the language preference (col. 3, lines 34-56; col. 6, lines 34-38).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Goldberg because Goldberg's teaching of audio message based on the language preference would increase the functionality of Ward's, Lewis's, and Cote's systems by providing supports to multiple user and to translate communication inputs that are received in any of a wide variety of languages into communication outputs that are transmitted in any of a wide variety of languages (col. 2, lines 45-50).

42. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Cote in view of Jones et al, U. S. Patent Application Publication 2004/0210469 (hereinafter Jones).

43. Jones was cited in the last office action.

44. As per claims 18 and 19, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach assigning the level of responsibility based upon the severity. Jones teaches assigning the level of responsibility to each of the one or more user based upon the severity of the alert condition (page 2, paragraphs 29 and 33; page 9, paragraph 119).

45. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Jones because Jones's teaching of assigning the level of responsibility based upon the severity would increase the flexibility of Ward's, Lewis's and Cote's systems by controlling which management level or personnel will receive the alerting message based on the escalation level (page 3, paragraph 45).

46. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, and Cote in view of Lawson et al, U. S. Patent 6,185,613 (hereinafter Lawson).

47. Lawson was cited in the last office action.

48. As per claim 23, Ward, Lewis, and Cote teach the invention substantially as claimed in claim 1 above. Ward, Lewis, and Cote do not teach filtering based on a property associated with an object associated with the alert condition. Lawson teaches comprising filtering the

notification message based on a property associated with an object associated with the alert condition (col. 5, lines 35-53).

49. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Ward, Lewis, Cote and Lawson because Lawson's teaching of filtering based on a property associated with an object associated with the alert condition would increase the efficiency of their system by allowing a event consumer to prevent notification of irrelevant event (col. 5, lines 35-37).

50. As per claim 24, Ward, Lewis, Cote and Lawson teach the invention substantially as claimed in claim 23 above. Although Lawson teaches wherein the property is selected from the group consisting of a type of the object (col. 5, lines 35-53), a name of the object (col. 10, lines 33-37), a location of the object (col. 5, lines 35-53), the time of day (col. 16, lines 34-35), and any of the information available in the packet (col. 24, lines 36-41), however, Ward, Lewis, Cote and Lawson do not specifically teach the severity of the alert condition, a level of risk, and an importance assigned to the object. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different type of property such as severity, level of risk and importance of the object because by doing so it would increase the field of use in their system.

51. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, Lewis, Cote and Fischer in view of "Official Notice".

52. As per claim 7, Ward, Lewis, Cote and Fischer teach the invention substantially as claimed in claim 5 above. Ward, Lewis, Cote and Fischer do not specifically detailing different audio characteristics. "Official Notice" is taken for the concept of a balance as an audio characteristic is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include balance as an audio characteristic because by doing so would increase the user's flexibility by allowing a user to include any type of audio characteristics as a design choice.

53. Applicant's arguments with respect to claims 1, 3-11, 13,15 and 17-24, filed 11/16/06, have been fully considered but in moot in view of new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

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